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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,536	01/31/2005	Pascal Bons	255582US2PCT	5673
22850	7590	09/09/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
GYORFI, THOMAS A				
ART UNIT		PAPER NUMBER		
2135				
NOTIFICATION DATE		DELIVERY MODE		
09/09/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdoCKET@oblon.com

oblonpat@oblon.com

jgardner@oblon.com

# Office Action Summary

## Application No.

10/502,536

## Applicant(s)

BONS ET AL.

## Examiner

Thomas Gyorfi

## Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 17-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-19, 25-30, 33 and 34 is/are rejected.
- 7) ☒ Claim(s) 20-24, 31 and 32 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 7/27/04
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Inventor's Patent Application
- 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

1. Claims 17-34 are pending examination. A preliminary amendment filed 7/27/04 cancelled claims 1-16 and added claims 17-34.

***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 7/27/04 has been considered by the examiner.

***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 19 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The preamble to the claim states "A method according to claim 19..."; this tautology does not define the claimed subject matter in any meaningful way. For purposes of examination, Examiner will assume that claim 19 was intended to be dependent on claim 18, as per the broadest reasonable interpretation of the invention.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 17-19, 25-30, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,252,964 in view of U.S. Patent 6,215,530 (collectively hereinafter, "Wasilewski").

Regarding claim 17:

Wasilewski discloses a method for transmitting entitlement management messages controlling access to data and/or services to be provided to a plurality of terminals in a data exchange network, comprising: at transmission, defining a set of EMM type messages as a function of at least one criterion representative of a type of data and/or services provided ('964: col. 20, lines 10-27; cf. the ETSI standard reference enclosed herein); defining a plurality of types of logical transmission channels and associating at least one parameter to each type of channel to inform terminals of the EMM types transmitting on each described logical channel ('530: col. 6, lines 25-65); assigning at least one channel among the defined logical transmission channels, to each EMM message type ('530: Ibid); transmitting the parameter and the logical channels to each terminal ('530: col. 5, lines 1-25); multiplexing the logical transmission channels into a same data stream ('964: col. 6, lines 20-25; cf. '530, e.g. col. 1, lines 30-

50); and transmitting the data stream to terminals ('530: col. 5, lines 1-25); and at reception, each terminal filtering incoming EMMs as a function of the parameter and at least one state parameter depending on a routine operation of the terminal ('530: col. 6, lines 25-65; '964: col. 19, lines 15-54). It is observed that any techniques not explicitly disclosed by one reference cited above would be obvious improvements to a DVB system based on their disclosure in the other reference, as the techniques in question were clearly within the capabilities of a person of ordinary skill in the art, in view of the teaching of the techniques for improvement in related DVB systems.

Regarding claim 18:

Wasilewski further discloses wherein the parameter is transmitted to each terminal in a dynamic data structure representing a logical control channel ('530: the tables on columns 6 & 8).

Regarding claim 19:

Wasilewski further discloses wherein the dynamic data structure is transmitted in an encrypted EMM ('964: col. 8, lines 20-30).

Regarding claim 25:

Wasilewski further discloses wherein the data or services provided to terminals represent multimedia programs ('530: col. 4, lines 50-65; '964: col. 4, lines 10-30).

Regarding claim 26:

Wasilewski further discloses wherein the data and/or services provided to terminals represent audiovisual programs (Ibid).

Regarding claim 27:

Wasilewski further discloses wherein the EMM messages are transmitted in broadcast mode ('964: Ibid).

Regarding claim 28:

Wasilewski further discloses wherein the EMM messages are transmitted in connected mode ('964: col. 40, lines 25-30).

Regarding claims 29 and 30:

Wasilewski further discloses wherein the EMM messages are encapsulated in MPEG format ('964: col. 9, lines 18-33).

Regarding claims 33 and 34:

These claims are rejected for substantially similar reasons as discussed in claim 17 above.

***Allowable Subject Matter***

8. Claims 20-24, 31, and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
9. The following is a statement of reasons for the indication of allowable subject matter: Claims 20, 31, and 32 recite specific fields found in the data structure(s) being claimed which are not present in the prior art references, nor do the prior art references on the record suggest that adding such fields in said data structures would be obvious. Claims 21-24 are allowable by virtue of their dependence on claim 20.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
- "Digital Video Broadcasting (DVB); Specification for Service Information (SI) in DVB Systems"
  - U.S. Patents 7,039,048; 6,970,127; 6,839,901; 6,671,881; 5,802,063; 5,619,501; 5,600,378; and 5,521,979
11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Gyorfi whose telephone number is (571)272-3849. The examiner can normally be reached on 8:30am - 5:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TAG  
8/14/08  
/KimYen Vu/  
Supervisory Patent Examiner, Art Unit 2135